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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,145	05/22/2001	David L. Sames	NA01-00301	1062
28875	7590	01/05/2005	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			NOBAHAR, ABDULHAKIM	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/863,145

Applicant(s)

SAMES ET AL.

Examiner

Abdulahkim Nobahar

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-15,17-23 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-15 and 17-23 is/are rejected.
- 7) ☒ Claim(s) 25-28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to applicant's amendment received on September 29, 2004.
2. Cancellation of claims 8, 16 and 24 and addition of new claims 25-28 are acknowledged and the addition of new claims do not introduce any new matter.
3. Applicant's arguments, see page 8 of remarks, filed on September 29, 2004, with respect to the "default policy" included in the independent claims 1, 9 and 17, have been fully considered and are persuasive. Examiner withdraws the previous rejection of claims and a new rejection in view of the amendments of claims 1, 9 and 17 is as follows:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 6, 9-10, 13, 14, 17-18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko et al (6,789,202; hereinafter Ko) in view of Jarvis et al (5,870,561; hereinafter Jarvis).

Ko discloses a method and apparatus for providing a policy-driven intrusion detection system for a network of computer systems (abstract; Fig. 1). This system operates by receiving a global policy for intrusion detection that rules based on the security condition for the networked computer system.

Jarvis teaches a system comprising a server that provides a set of recommended policies to clients, as to under what conditions they can generate network traffic, based on the description of proposed traffic received from each client (col. 2, lines 50-60).

Claims 1, 9 and 17

Ko discloses a method and apparatus (corresponding to the recited a mechanism) for:

creating a plurality of security policies, wherein each security policy specifies a level of security for the distributed computing system (see, for example, col. 6, lines 19-24);

distributing the plurality of security policies to each computer in the distributed computing system (see, for example, Fig. 3, step 302);

selecting a specific security policy from the plurality of security policies for use across the distributed computing system (see, for example, col. 2, lines 1-22); and

informing each computer in the distributed computing system to use the specific security policy (see, for example, col. 2, lines 23-37).

Ko, however, does not expressly disclose the selection of default security policy by a computer if the specific security policy is defective.

Jarvis teaches that the server calculate a criterion value named "weight" for each set of policies and compares the weights with a predetermined threshold (see, for example, col. 7, lines 1-9). If none of the policy weights exceed the threshold (corresponding to the recited security policy is defective), the sever will select a default policy for recommendation to a client.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a default policy with other policies as taught in Jarvis in the method of Ko, because it would enables the server to be flexible to recommend a policy to a client if other policies fail a criterion (Jarvis, col. 3, lines 5-15).

Claims 2, 10 and 18

Ko discloses:

wherein the level of security includes a specific security posture (see, for example, col. 2, lines 20-22, where security condition corresponds to the recited security posture).

Claims 5, 13 and 21

Ko discloses:

distributing the plurality of security policies from a computer in the distributed computing system to a subordinate computer (see, for example, col. 3, lines 27-46; col. 6, lines 19-37; Fig. 1).

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Claims 6, 14 and 22

Ko discloses:

wherein selecting the specific security policy for use includes selecting the specific security policy based on a security posture (see, for example, col. 6, lines 50-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5, 7, 11-13, 15, 19-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko et al (6,789,202; hereinafter Ko) in view of Jarvis et al (5,870,561; hereinafter Jarvis) and in further view of Moriconi et al (6,158,010; hereinafter Moriconi).

Ko discloses a method and apparatus for providing a policy-driven intrusion detection system for a network of computer systems (abstract; Fig. 1). This system operates by receiving a global policy for intrusion detection that rules based on the security condition for the networked computer system.

Jarvis teaches a system comprising a server that provides a set of recommended policies to clients, as to under what conditions they can generate network traffic, based on the description of proposed traffic received from each client (col. 2, lines 50-60).

Moriconi teaches a system for maintaining security in computer network system by employing a policy manager located on a server for managing and distributing a security policy that controls clients access to securable components (abstract; Figs. 7-9).

Claims 3, 11, 19 and 23

Ko in view of Jarvis does not expressly disclose:

using secure communications for distributing the plurality of security policies and security posture to each computer in the distributed computing system.

Moriconi teaches the use of encryption technology for secure communication between the security policy manager and the clients (see, for example, col. 1, lines 53-60; col. 2, lines 14-21).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement a secure communication for distributing security policies as taught in Moriconi in the system of Ko in view of Jarvis, because it would prevent unauthorized parties from reading the transmitting information (i.e., security policies) (col. 1, lines 55-58).

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Claims 4, 12 and 20

Moriconi discloses:

signing each security policy in the plurality of security policies with a cryptographic signature to allow detection of unauthorized changes (see, for example, col. 4, lines 1-6).

Claims 5, 13 and 21

Moriconi discloses:

distributing the plurality of security policies from a computer in the distributed computing system to a subordinate computer (see, for example, col. 4, lines 19-30; Fig. 1; Fig. 4).

Claims 7 and 15

Moriconi discloses:

wherein informing each computer in the distributed computing system to use the specific security policy includes using secure communications for distributing the security posture indicator to each computer in the distributed computing system (see, for example, col. 1, lines 53-60; col. 2, lines 14-21).

Allowable Subject Matter

Claims 25-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,113,342 to Zamora.

US Patent No. 6,578,037 B1 to Wong et al.

US Patent No. 2002/0010709 A1 to Culbert et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 571-272-3808. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdulahkim Nobahar
Examiner
Art Unit 2132 *A.N.*

AN

December 20, 2004

Gilberto Barron
GILBERTO BARRON
SUPERVISORY PATENT EXAMINER
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